

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LORIE M. MONTAGUE, et al.,)	
)	Case No.:
Plaintiffs,)	
)	
v.)	
)	
PARADIGM TRUCKING, LTD., et al.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, Paradigm Trucking, Ltd. (“Paradigm”), and Wayne H. Howe (“Mr. Howe”), by their attorneys Lewis Brisbois, pursuant to 28 U.S.C. §§ 1332(a) and 1441(b), hereby remove this action from the Common Pleas Court of Hancock County, Ohio, to the United States District Court for the Northern District of Ohio. As grounds for this removal, defendants state as follows:

1. On June 4, 2021, plaintiffs filed a Complaint in the Common Pleas Court of Hancock County, Ohio, entitled *Lorie M. Montague and Brett A. Montague v. Paradigm Trucking, Ltd., et al.*, Case Number 2021 CV 00156. (*See* Exhibit 1).

2. Plaintiffs generally aver that Ms. Montague suffered severe personal injuries resulting from an October 20, 2020 motor vehicle collision in Hancock County, Ohio with a vehicle owned by Paradigm and operated by Mr. Howe. (*Id.*).

3. Plaintiffs further aver that Ms. Montague “has suffered serious personal injuries that have caused her to undergo extensive medical treatment and incur numerous medical expenses” (*Id.* at ¶¶10, 18) and that they sustained substantial property damages to their motor vehicle. (*Id.* at ¶¶28, 29).

4. For those property damages only, plaintiffs have demanded settlement for amounts in excess of \$45,000.00.

5. Plaintiffs are residents and citizens of Ohio. (*Id.* at ¶¶1, 2).

6. Paradigm is a company that is organized and existing under the laws of Ontario, Canada. (*See* Exhibit 2 at ¶3).

7. For purposes of determining diversity jurisdiction, Paradigm is a citizen of Ontario, Canada because its principal place of business, offices and distribution center are located in Ontario, Canada. (*Id.* at ¶¶4-5).

8. The vehicle operated by Wayne H. Howe at the time of the October 20, 2020 motor vehicle accident described in the Plaintiff's Complaint, was owned by Paradigm. (*Id.* at ¶10).

9. On October 20, 2020, while engaged in the activity described in the Complaint in this matter, Mr. Howe was an employee of Paradigm. (*Id.* at ¶8).

10. Mr. Howe resides in and is a citizen of Ontario, Canada. (*Id.* at ¶9).

11. Here, there is complete diversity between plaintiffs and defendants and the amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1441(b).

12. By reason of the foregoing, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). There is complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of costs. Removal of the state court action to this Court is therefore appropriate under 28 U.S.C. § 1441(b).

13. Removal of this action is timely under 28 U.S.C. § 1446(b) because this Notice of Removal was filed within thirty days after receipt by the defendants, through service or otherwise, of a copy of the pleading, motion, order or other paper from which it may first be

ascertained that the case is one which is or has become removable. Moreover, this Notice of Removal was filed within one year after commencement of the action.

14. Pursuant to 28 U.S.C. § 1446(d), contemporaneous with this filing, defendants are serving a copy of this Notice of Removal upon plaintiffs and filing a copy with the Clerk of the Common Pleas Court of Hancock County, Ohio and Certificate of Compliance is attached hereto as Exhibit “3.”

15. Defendants reserve the right to supplement this Notice of Removal and/or to present additional arguments in support of their entitlement to removal.

16. Removal is hereby effected without waiver of any challenges that defendants may have to personal jurisdiction, venue or service of process. Further, no admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved.

WHEREFORE, Defendants, Paradigm Trucking, Ltd. and Wayne H. Howe, hereby give notice of the removal of the above-referenced action now pending in the Common Pleas Court of Hancock County, Ohio, to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

Lewis Brisbois Bisgaard & Smith, LLP

By: /s/ Todd A. Gray
Todd A. Gray, Esquire (0071568)
Joseph M. Fiorello (0090436)
Lewis Brisbois Bisgaard & Smith, LLP
1375 E. 9th St., Suite 2250
Cleveland, OH 44114
Tel.: (216) 298-1269
Fax: (216) 344-9421
Todd.Gray@lewisbrisbois.com
Joseph.Fiorello@lewisbrisbois.com

Michael T. Franz, *Pro Hac Vice*
Lewis Brisbois Bisgaard & Smith, LLP
550 West Adams Street
Suite 300
Chicago, Illinois 60661
Michael.Franz@lewisbrisbois.com
(312) 463-3329
***Counsel for Defendants Paradigm
Trucking, Ltd. and Wayne H. Howe***

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Removal was filed with the Clerk of the United States District Court for the Northern District of Ohio and served upon all counsel of record via electronic mail.

William E. Clark
Drake, Phillips, Kuenzli & Clark
301 South Main Street, 4th Floor
Findlay, OH 45840
Ph: 419-423-0242
Fax: 419-423-0186
wclark@findlaylaw.com
Counsel for Plaintiff

Lewis Brisbois Bisgaard & Smith, LLP

By: /s/ Todd A. Gray
Todd A. Gray, Esquire

Date: February 11, 2022